



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Ordinance No. 1781 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits And Regulations – Chapter 5.40, 'Adult-Oriented Businesses,' by Repealing and Reenacting Section 5.40.020, 'Location of Adult-Oriented Businesses,' to Add 'Residentially-Zoned Property' to the List of Land Uses Subject to Distance Regulations Regarding the Location of Adult-Oriented Businesses; and Repealing and Reenacting Section 5.40.400(D)(1) to Delete the Requirement that Employees of Adult-Oriented Businesses be Fingerprinted as Part of the Employee License Process"

MEETING DATE: August 2, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1781.

BACKGROUND INFORMATION: Ordinance No. 1781 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits And Regulations – Chapter 5.40, 'Adult-Oriented Businesses,' by Repealing and Reenacting Section 5.40.020, 'Location of Adult-Oriented Businesses,' to Add 'Residentially-Zoned Property' to the List of Land Uses Subject to Distance Regulations Regarding the Location of Adult-Oriented Businesses; and Repealing and Reenacting Section 5.40.400(D)(1) to Delete the Requirement that Employees of Adult-Oriented Businesses be Fingerprinted as Part of the Employee License Process" was introduced at the regular City Council meeting of July 19, 2006.

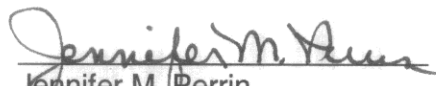
ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Jennifer M. Perrin
Interim City Clerk

JMP
Attachment

APPROVED: 
Blair King, City Manager

ORDINANCE NO. 1781

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 5 – PERMITS AND REGULATIONS – CHAPTER 5.40, “ADULT-ORIENTED BUSINESSES,” BY REPEALING AND REENACTING SECTION 5.40.020, “LOCATION OF ADULT-ORIENTED BUSINESSES,” TO ADD “RESIDENTIALLY-ZONED PROPERTY” TO THE LIST OF LAND USES SUBJECT TO DISTANCE REGULATIONS REGARDING THE LOCATION OF ADULT-ORIENTED BUSINESSES; AND REPEALING AND REENACTING SECTION 5.40.400(D)(1) TO DELETE THE REQUIREMENT THAT EMPLOYEES OF ADULT-ORIENTED BUSINESSES BE FINGERPRINTED AS PART OF THE EMPLOYEE LICENSE PROCESS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.40, “Adult-Oriented Businesses,” Section 5.40.020, is hereby repealed and reenacted to read as follows:

5.40.020 - Location of Adult-Oriented Businesses.

From and after adoption of this chapter, no person shall establish, conduct, or permit to be established or conducted any adult-oriented business within one thousand feet of any church, school, playground, child care center, residentially zoned property, or adult-oriented business.

For the purposes of this section, the distance between uses shall be measured in a straight line without regard to intervening structures from the closest exterior wall of each business or use.

Adult-oriented businesses in existence on the effective date of this chapter are deemed nonconforming uses, which may continue subject to the provisions of Section 17.69.030.

SECTION 2. Lodi Municipal Code Title 5 – Permits And Regulations – Chapter 5.40, “Adult-Oriented Businesses,” Section 5.40.400(D)(1), is hereby repealed and reenacted to read as follows:

5.40.400(D)(1) – A color photograph of the applicant clearly showing the applicant’s face. Any fees for the photograph shall be paid by the applicant.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 2nd day of August, 2006



SUSAN HITCHCOCK
Mayor

Attest:


JENNIFER M. PERRIN
Interim City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1781 was introduced at a regular meeting of the City Council of the City of Lodi held July 19, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held August 2, 2006, by the following vote:

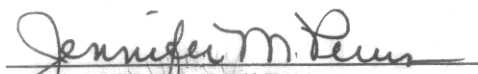
AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

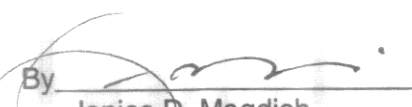
I further certify that Ordinance No. 1781 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By 

Janice D. Magdich
Deputy City Attorney